

LORDS AMENDMENTS  
TO THE  
CONSTABULARY (IRELAND) BILL.

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[NOTE.—*The page and line refer to Bill (110) as first  
printed by the Lords.*]

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*In the Title, page 1.*

Line 1, after ("of ") insert ("and for other matters  
" relating to ")

*Page 1.*

Line 8, leave out ("July ") and insert ("August ")

Line 14, leave out from the second ("in ") to the end  
of line 16 and insert ("Part I. of the First ")

Lines 20 and 21, leave out ("as so amended and  
" modified ") and insert:

("Provided that in awarding any such compensation,  
allowance, pension or gratuity, no deduction shall be made  
by reason of the fact that any compensation has been  
awarded to the officer or constable in respect of injuries  
sustained in the discharge of his duties.")

Line 22, leave out from ("provisions ") to ("shall ")  
in line 1, on page 2, and insert ("contained in  
" Part II. of the First Schedule to this Act")

*Page 2.*

Line 3, leave out ("that Order ") and insert ("the  
" Royal Irish Constabulary Pensions Order,  
" 1922 ")

Line 4, leave out ("the Treasury ") and insert ("a  
" Secretary of State ")

[Bill 220]

*Page 2.*

Lines 6 to 10, leave out subsection (3)

Lines 11 to 37, leave out subsection (4)

*Page 4.*

Line 5, leave out from (" the ") to (" and ") in line 6, and insert (" sixteenth day of December nineteen " hundred and twenty-one ")

Line 27, after (" by ") insert (" a Secretary of State " with the approval of ")

Line 27, after (" Treasury ") insert (" subject to right " of appeal to the tribunal mentioned in section " two ")

Line 34, after clause one insert new clauses A and B :

A. For the purpose of dealing with questions arising in the administration of this Act there shall be appointed a tribunal with such powers as appear in the Second and Third Schedules to this Act.

B.—(1) The provisions as to disturbance allowance, free railway warrant, and separation allowance contained in the Third Schedule to this Act shall apply with respect to any officer or man of the Royal Irish Constabulary to whom compensation is payable under section one of this Act or who at the date fixed for the disbandment of the force is in receipt of a pension under the enactments relating to the Royal Irish Constabulary and is at that date resident in Ireland.

(2) This section shall have effect until the thirtieth day of June, nineteen hundred and twenty-four, and no longer, unless before that date it is extended for a further period by His Majesty by Order in Council.

*Page 5.*

Line 2, after clause 2 insert new clause C.

C. Any officer or constable of the force who since the first day of January nineteen hundred and nineteen has been retired by reason of unfitness caused by injury inflicted in the course of his duty shall be entitled if still living to the same pension as he would have been awarded if he had continued to serve up to the date of disbandment under this Act.

Tribunal for dealing with individual cases of hardship.

Provisions as to disturbance allowance, &c.

Pension of officer or constable retired since 1st January 1919 through unfitness caused by injury.

Page 6.

Leave out the Schedule and insert as new Schedules :

## SCHEDULES.

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### FIRST SCHEDULE.

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#### PART I.

##### RULES.

1. The compensation which may be awarded to an officer or constable shall be an annual allowance.

2. The annual allowance shall be calculated in like manner as the pension which the officer or constable would have been entitled to receive if he had retired for length of service under the existing enactments applicable to him, and had been qualified in respect of his length of service for a pension, save that, for the purposes of that calculation, the following provisions shall have effect :—

- (a) There shall be added to his completed years of actual service if the proportion of salary on which his allowance is calculated is one-fiftieth, ten years, and if that proportion is one sixtieth, twelve years ;
- (b) His salary shall be taken at the amount which it would have reached if he had continued to serve in the same rank for the number of years so added, and in the case of a district inspector of the third class, as if he were entitled to promotion to the second class on the completion of one and a half years' service in the third class, and, in the case of a district inspector of the second class, as if he were entitled to promotion to the first class on the completion of eleven years' service in the second class ;
- (c) If the number of his completed years of service, as reckoned under this rule, is less than the minimum number of years of service for which provision as respects pensions is made in the appropriate pension scale, that scale shall apply with the substitution of the number of his completed years of service as so reckoned for that minimum number ; and
- (d) If he has, in addition to his completed years of actual service, served for a period exceeding six months, his service for that period shall be reckoned as a completed year of actual service :

*Page 6.*

Provided that in the case of the surgeon of the Royal Irish Constabulary his compensation allowance may, should he so desire, be calculated in like manner as the pension which he would have been entitled to receive on retirement under the existing enactments applicable to him if the years to be added as aforesaid were added to his years of age instead of to his completed years of actual service.

3. The allowance awarded to an officer or constable shall in no case exceed two-thirds of the salary on which the allowance is calculated.

4. In the event of an officer or constable dying after an annual allowance has been awarded to him under this Act, the Treasury may, if they think fit, grant a pension or gratuities to the widow and children of the officer or constable in like manner as if the allowance were a pension granted to the officer or constable on retirement, and as if his years of service had been the years on which the allowance was calculated.

5. In these rules the expression "existing enactments" means enactments in force at the time of the passing of this Act, and includes any orders made under those enactments and in force at that time.

## PART II.

## ASSIGNMENT OF PENSIONS AND REGULATIONS AS TO PAYMENT OF PENSIONS, &amp;c.

15. The following provisions shall have effect with respect to every pension, allowance, and gratuity (in this Article referred to as a grant) payable under this Order or under the Interim Order to any person (in this Article referred to as the pensioner):—

- (1) Every assignment of and charge on a grant, and every agreement to assign or charge a grant, shall, except so far as made for the benefit of the family of the pensioner, be void, and on the bankruptcy of the pensioner the grant shall not pass to any trustee or other person acting on behalf of the creditors:
- (2) Where any sum is due from the pensioner to the Inspector-General or to the Crown, the Inspector-General may deduct the amount of any such sum from the grant:
- (3) On the death of a pensioner to whom a sum not exceeding one hundred pounds is due on account of a grant, then, if the Inspector-General so direct, probate or other proof of the title of the personal representative of the deceased may be dispensed with,

and the sum may be paid or distributed to or among the persons appearing to the Inspector-General to be beneficially entitled to the personal estate of the deceased pensioner or to or among any one or more of those persons, or in the case of the illegitimacy of the deceased pensioner, to or among such persons as the Inspector-General may think fit, and the Inspector-General, and any officer of the Inspector-General making the payment, shall be discharged from all liability in respect of any such payment or distribution :

- (4) Every grant which is a pension or allowance (other than a pension or allowance payable to an officer of higher rank than a county inspector or to the widow or children of such officer) shall be paid, after the first instalment, in advance, except in the case of a refusal to quit police quarters or premises owned or rented by or on behalf of the Inspector-General or to give up any equipment or to make any payment due to the Inspector-General ; but where a person dies whilst in receipt of a grant paid in advance, no return shall be required of any payments which have been made in respect of any period after his death.

*Forfeiture of Pension or Allowance.*

16.—(1) A pension or allowance under this Order is granted only upon condition that it becomes forfeited and may be withdrawn by the Inspector-General, with the consent of the Treasury, in any of the following cases, that is to say, if the grantee—

- (a) is convicted of any offence and is sentenced to penal servitude or to imprisonment for a term exceeding three months ; or
- (b) knowingly associates with thieves or reputed thieves ;  
or
- (c) refuses to give to the police all information and assistance in the power of the grantee, for the detection of crime, for the apprehension of criminals, or for the suppression of any disturbance of the public peace ;  
or
- (d) enters into or continues to carry on any business, occupation or employment which is illegal, or in which the grantee has made use of the fact of former employment in the force in a manner which the Inspector-General considers to be discreditable or improper ; or:

Page 6.

- (e) supplies to any person or publishes in a manner which the Inspector-General considers to be discreditable or improper any information which the grantee may have obtained in the course of employment in the force; or
  - (f) solicits or, without the consent of the Inspector-General, accepts directly, or indirectly, any testimonial or gift of a pecuniary value on retirement from the force, or otherwise in connection with his service in the force; or
  - (g) enters into or continues in any business, occupation, or employment as a private detective, after being prohibited to do so by the Inspector-General on any reasonable grounds.
- (2) Such forfeiture and withdrawal may affect the pension or allowance wholly or in part, and may be permanent or temporary as the Inspector-General with the consent of the Treasury may determine.

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## SECOND SCHEDULE.

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### TRIBUNAL FOR DEALING WITH INDIVIDUAL CASES OF HARDSHIP.

The powers of the Tribunal appointed under this Act shall be as follows:—

1. To recommend—

- (a) The extension up to a maximum of six months' pay of the disturbance allowance for the purpose of removal which may be granted under the Third Schedule to this Act, in any case where in the opinion of the Tribunal, the amount which has been so granted is inadequate.
- (b) In exceptional cases the payment of gratuities, in addition to disturbance allowance, up to a maximum of six months' pay.
- (c) Such other exceptional provision as any individual case submitted to it may appear to require.

2. To deal with matters referred to the Tribunal under the Third Schedule to this Act or otherwise.

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### THIRD SCHEDULE.

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#### (A) DISTURBANCE ALLOWANCE.

If any officer or man, owing to molestation or danger or (in the case of an officer or man to whom compensation is payable under section one of this Act) for any other cause whatsoever, moves his home either to another place in Ireland or to any place outside Ireland, he shall be entitled to be repaid the reasonable costs incurred in connection with such removal up to a maximum of one month's pay for unmarried men, two months' pay for married men with less than three children, and three months' pay for married men with three or more children.

These allowances will be payable on application at any time within six months of the date of disbandment.

In order to avoid any delay in the payment of these allowances, they will be payable on demand at the date of disbandment or at any time within six months thereafter; every officer or man who receives such allowance will be required to produce to the Tribunal appointed under this Act, evidence that he has in fact moved his home; and if he has not moved his home or if the reasonable expenses incurred in connection with such removal are less than the amount of the allowance which he has received, the Tribunal may require him to refund the whole or part of the allowance, as the case may be.

In cases of officers and men holding acting rank above that of their substantive rank, disturbance allowance will be calculated upon the pay of the acting rank. In cases where officers or men holding acting rank have already been disbanded and have received disturbance allowance calculated upon their substantive pay, application may be made to the Chief Secretary or the Colonial Office, for the payment of the difference between the sum received and the disturbance allowance that would have been payable if it had been calculated upon such acting rank.

#### (B) FREE RAILWAY WARRANTS.

Every officer and man will be entitled to a free railway warrant from the place of his disbandment to his home. In addition to the above, it will be open to any member of the force who considers that he would be in danger if he were to return to or to remain at his home after the date of disbandment, to apply for a free travelling warrant to enable him to remove himself and his family to any place in Great Britain and Ireland. Such warrants will be issuable in respect of the member of the force, his wife and children, or other

*Page 6.*

dependent normally supported by him as a member of his household. Where a member of the force is moving his family, and finds it inadvisable actually to accompany them, a separate warrant will be issued for their use.

## (c) SEPARATION ALLOWANCE.

Separation allowance will be payable during the first three months after the date of disbandment to any married member of the force whose home is outside Northern Ireland and who proceeds either to Great Britain or Northern Ireland, leaving his family in Ireland. This allowance will be in addition to any compensation allowance granted under section one of this Act, and will be made at the rates approved for the several ranks of the force, viz., 14s. a week for constables and sergeants, 17s. 6d. a week for head constables, and 28s. a week for officers of higher rank.

In this Schedule the expression "date of disbandment" means the date of discharge in the case of an officer or man to whom compensation is payable under section one of this Act, and the date fixed for the disbandment of the force in the case of an officer or man in receipt of a pension.

## LORDS AMENDMENTS

TO THE

CONSTABULARY (IRELAND)  
BILL.*Ordered, by The House of Commons, to be Printed,**27 July 1922.*LONDON:  
PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE.

To be purchased through any Bookseller or directly from  
H.M. STATIONERY OFFICE at the following addresses:  
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Printed by HAYS and SHORROCK, LTD.,  
100, Fleet Street, E.C.4.  
Printers to the King's most Excellent Majesty.

[Price 3d. Net.]

[Bill 220]